

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 :Mark-Edward,  
11 Plaintiff,

12 v.  
13 UNITED STATES ATTORNEY'S  
14 OFFICE, et al.,  
15 Defendants.

CASE NO. C12-2048-JCC

ORDER DISMISSING CASE

16 This matter comes before the Court on Plaintiff's Notice of Writ/Error (Dkt. No. 8),  
17 Notice of Joinder (Dkt. No. 9), and Notice of Acceptance/Declaration (Dkt. No. 10). Having  
18 thoroughly considered the relevant record, the Court hereby DISMISSES Plaintiff's case with  
19 prejudice due to its lack of merit.

20 A court may dismiss claims pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack  
21 of subject matter jurisdiction if the claims are "so attenuated and unsubstantial as to be  
22 absolutely devoid of merit," "obviously frivolous," or "no longer open to discussion." *Hagens v.*  
23 *Lavine*, 415 U.S. 528, 536–37 (1974). Plaintiff's claims are absolutely devoid of merit and  
24 obviously frivolous because they all rest upon his belief that he is not an "artificial U.S. citizen"  
25 but a "sovereign State's born Private Citizen." (Dkt. No. 1 at 2.)

26 Although Plaintiff's pleadings are difficult to decipher, both of Plaintiff's causes of

1 action seek dismissal of criminal charges pending against Fred F. Frink in Case No. CR12-0262-  
2 RSL. Plaintiff is essentially asking this court to enjoin a pending criminal prosecution, which  
3 courts ordinarily will not do. *See Beal v. Missouri Pac. R. R. Co.*, 325 U.S. 45, 49 (1941). No  
4 citizen—“sovereign” or otherwise—is immune from prosecution. *See id.* Moreover, Mr. Frink is  
5 no longer a party to this action (Dkt. No. 7). Plaintiff, who has no interest in the outcome of the  
6 pending criminal matter, lacks standing to make any claims related to it. *See Kowalski v. Tesmer*,  
7 543 U.S. 125, 129–30 (2004) (discussing the limited circumstances, not present here, in which a  
8 third party may litigate claims on behalf of another).

9 For the foregoing reasons, Plaintiff’s complaint is DISMISSED with prejudice. The Clerk  
10 is directed to CLOSE this case.

11 DATED this 14th day of December 2012.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE